

# TABLE OF CONTENTS

## LOCAL RULES OF PRACTICE AND PROCEDURE

### STARKE CIRCUIT COURT

<b>Section I: Civil Rules of Procedure</b>	1
Title and Scope of Rules	1
<b>LR75-TR3.1-1. Appearances</b>	1
1.1 Requirement	1
1.2 Appearance Form	1
<b>LR75-TR00-2 Withdrawal of Appearance</b>	1
1.1 Procedure	1
1.2 Contents of Notice	1
1.3 Waiver	1
<b>LR75-TR10-3 Form of Pleading</b>	2
1.1 Form of Filings	2
1.2 Caption	2
1.3 Title	2
<b>LR75-TR00-4 Preparation of Pleadings</b>	2
1.1 Margins and Bindings	2
1.2 Signature	2
<b>LR75-TR00-5 Filing Procedure</b>	3
1.1 Required Number of Orders and Brief	3
1.2 Flat Filing	3
1.3 Court Files	3
1.4 Entry Form	3
1.5 Service of Copies on Counsel and Unrepresented Parties	3
1.6 Publication	4
1.7 Routine Entries	4
1.8 Electronic Facsimile Filing	4
<b>LR75-TR00-6 Motions</b>	4
1.1 Notice	4
1.2 Motions to Correct Error	4
1.3 Motions Not Likely to Require Hearing	4
1.4 Oral Arguments: Motions/Other Pleadings	5
1.5 Enlargement of Time	5
1.6 Briefs and Memoranda Re: Motions	5
1.7 Motions to Strike/Insert New Matter	5
1.8 Motion to Reconsider Rulings	5
1.9 Motions to Compel Discovery	5

1.10	Telephone Argument	5
<b>LR75-TR79-7</b>	<b>Special Judges</b>	6
1.1	Local Rule	6
1.2	Pursuant to TR 76	6
1.3	Amended Local Court Rule for Assignment of Certain Conflict Cases	7
<b>LR75-TR00-8</b>	<b>Continuances</b>	7
1.1	Motion for Continuance	7
1.2	Time for Filing	8
1.3	Court's Discretion	8
1.4	Rescheduling	8
1.5	Costs of Delay or Continuance	8
<b>LR75-TR00-9</b>	<b>Settlements</b>	8
1.1	Costs for Late Settlement of Cause and/or Failure to Notify Court of Settlement	8
<b>LR75-TR00-10</b>	<b>Discovery</b>	9
1.1	Time Limit	9
1.2	Extensions of Time	9
<b>LR75-TR33-11</b>	<b>Interrogatories</b>	9
1.1	Preparation	9
1.2	Answers and Objections	9
1.3	Filing	9
<b>LR75-TR30-12</b>	<b>Depositions</b>	10
1.1	Depositions	10
1.2	Storage of Depositions	10
<b>LR75-TR00-13</b>	<b>Case Management</b>	10
1.1	Case Management Conferences	10
1.2	Case Management Order	11
<b>LR75-TR00-14</b>	<b>Pre-Trial Conferences</b>	11
1.1	Mandatory Pre-Trial Conferences	11
1.2	Pre-Trial Order	12
1.3	Memoranda of Law	12
1.4	Trial Setting	12
1.5	Sanctions	12
<b>LR75-TR00-15</b>	<b>Exhibits</b>	12
1.1	Marking in Advance	12
1.2	Custody	13
1.3	Removal	13
1.4	Destruction of Exhibits	13
<b>Section II: Family Law Rules</b>		14

Title and Scope		14
<b>LR75-FL00-1</b>	<b>Administrative Procedures</b>	14
1.1	Notice	14
1.2	Time Required	14
1.3	Obligation to be Informed	14
<b>LR75-FL00-2</b>	<b>Ex Parte Matters</b>	14
1.1	Ex Parte Emergency Orders	14
<b>LR75-FL00-3</b>	<b>Emergency Custody Orders</b>	15
1.1	Emergency Orders	15
<b>LR75-FL00-4</b>	<b>Temporary Restraining Orders</b>	15
1.1	Temporary Restraining Orders	15
1.2	Joint Order	15
1.3	Separate Order Required	15
1.4	Effective Date and Direction of Order	15
1.5	Confidential Form	16
1.6	Notice of Termination	16
1.7	Existing Protective Order	16
1.8	Consolidation of Proceedings	16
<b>LR75-FL00-5</b>	<b>Custody Disputes</b>	16
1.1	Evaluations	16
1.2	Pre-Trial Conference	16
<b>LR75-FL00-6</b>	<b>Guardians Ad Litem</b>	16
1.1	Definition	16
1.2	When Appointed	17
1.3	Duties	17
1.4	How Appointed	17
1.5	Fees	17
1.6	Term of Service	18
1.7	Form of Order	18
<b>LR75-FL00-7</b>	<b>Child Custody</b>	18
1.1	Custody and Visitation Evaluations	18
1.2	Continuance	18
1.3	Admissibility	18
1.4	Release of Custody/Visitation Evaluation or Report	18
<b>LR75-FL00-8</b>	<b>Child Counseling Session</b>	18
1.1	Parent Education Program	18
<b>LR75-FL00-9</b>	<b>Visitation Orders</b>	19
1.1	Guidelines	19
1.2	Exclusion	19

<b>LR75-FL00-10</b>	<b>Child Support Guidelines</b>	20
1.1	Support Guidelines	20
1.2	Worksheet Required	20
1.3	Support Settlement Agreements	20
1.4	Withholding Orders	20
1.5	Support Information Sheet	20
1.6	Clerk's Processing Fee	20
<b>LR75-FL00-11</b>	<b>Financial Declaration Form</b>	20
1.1	Requirement	20
1.2	Exceptions	21
1.3	Use at Trial	21
1.4	Supporting Documents	21
1.5	Privacy-Sealing of Forms	21
<b>LR75-FL00-12</b>	<b>Pre-Trial Conferences</b>	22
1.1	Prior to Final Hearing	22
1.2	Requirements	22
<b>LR75-FL00-13</b>	<b>Requests for Final Hearings</b>	22
1.1	Requests	22
<b>LR75-FL00-14</b>	<b>Preparation of Orders</b>	23
1.1	Exchange	23
1.2	Additions	23
1.3	Signatures	23
1.4	Required Number of Copies	23
<b>LR75-FL00-15</b>	<b>Sanctions</b>	23
1.1	Sanctions	23
<b>LR75-FL00-16</b>	<b>Attorney Fee Requests</b>	23
1.1	Award of Attorney Fees	23
1.2	Affidavits	24
1.3	Written Requirements	24
1.4	Contempt Citation Attorney Fees	24
<b>LR75-FL00-17</b>	<b>Agreed Matters-Submission</b>	24
1.1	Submitting Agreements	24
1.2	Petition for Modification Required	24
<b>LR75-FL00-18</b>	<b>Summary Dissolution Decree</b>	24
1.1	Waivers	24
<b>LR75-FL00-19</b>	<b>Agreement with Court Date Pending</b>	25
1.1	Agreements with Date Pending	25
<b>LR75-FL00-20</b>	<b>Termination of Representative Capacity</b>	25
1.1	Termination of Representation	25
1.2	Service of Pleading	25

1.3	Service on Previous Counsel	25
<b>Section III: Criminal Rules of Procedure</b>		<b>26</b>
<b>LR75-CR2.1-1</b>	<b>Appearances</b>	<b>26</b>
1.1	State of Indiana	26
1.2	Defendant	26
<b>LR75-CR2.2-2</b>	<b>Initial Case Assignment</b>	<b>26</b>
<b>LR75-CR13-3</b>	<b>Case Reassignment and Special Judges</b>	<b>26</b>
<b>LR75-CR00-4</b>	<b>Bond</b>	<b>27</b>
1.1	Arrest Warrants	27
1.2	Additional Conditions of Bond	27
1.3	Offenses Committed While Person is Already on Formal Probation	27
<b>LR75-CR00-5</b>	<b>Waivers</b>	<b>27</b>
<b>LR75-CR00-6</b>	<b>Waiver of Counsel</b>	<b>28</b>
<b>LR75-CR00-7</b>	<b>Pre-Trial Discovery</b>	<b>28</b>
1.1	State of Indiana	28
1.2	Defendant	29
1.3	All Parties	30
1.4	Failure to Comply	30
1.5	Discretionary Protective Order	30
1.6	Matters Not Subject to Disclosure	30
<b>LR75-CR00-8</b>	<b>Motions</b>	<b>31</b>
1.1	Continuance	31
1.2	Other Motions	31
<b>LR75-CR00-9</b>	<b>Pre-Trial Conference</b>	<b>31</b>
<b>LR75-CR00-10</b>	<b>Plea Agreement Deadline Date</b>	<b>32</b>
<b>LR75-CR00-11</b>	<b>Trial</b>	<b>32</b>
1.1	Jury Trial Procedure	32
<b>LR75-CR00-12</b>	<b>Failure to Appear</b>	<b>33</b>
<b>LR75-CR00-13</b>	<b>Withdrawal of Appearance</b>	<b>33</b>
<b>LR75-CR00-14</b>	<b>Motion to Sequester</b>	<b>34</b>
<b>LR75-CR00-15</b>	<b>Stipulations</b>	<b>34</b>
<b>LR75-CR00-16</b>	<b>Jury Rules</b>	<b>34</b>
1.1	Scope	34
1.2	Jury Administrator	34
1.3	Two-Tier System	34
1.4	Jury Pool	34
1.5	Qualification Questionnaire	34
<b>LR75-CR00-17</b>	<b>Trial De Novo Following Judgment</b>	

	<b>from Knox City Court</b>	35
1.1	Requesting Trial De Novo	35
1.2	Notification of Request for Trial De Novo	35
1.3	Compliance with Applicable Supreme Court Rules	35
1.4	Bond Schedule	35
<b>Section IV: Administrative Rules</b>		38
<b>LR75-AR15-1</b>	<b>Court Reporters</b>	38
1.1	Definitions	38
1.2	Salaries	39
1.3	Per Page Fees	39
1.4	Reporting Fees Collected	39
1.5	Private Practice	40
1.6	Private Practice Work Time	40

## **SECTION I: CIVIL RULES OF PROCEDURE**

### **TITLE AND SCOPE**

**Title.** These rules shall be known as the Starke Circuit Court Civil Rules.

**Scope.** With the adoption of these local Civil Rules of Procedure, the former rules adopted by this Court, known as the Starke Circuit Court Civil Rules, shall be deemed repealed.

### **LR75-TR3.1-1**

#### **APPEARANCES**

**1.1 Requirement.** Every attorney entering an appearance on behalf of any party shall file with the Court a written appearance form and serve a copy on all counsel and unrepresented parties of record. Each party shall promptly advise the Clerk of this Court of any changes in any information previously supplied to this Court.

**1.2 Appearance Form.** The appearance form shall comply with the requirements of Indiana Trial Rule 3.1.

### **LR75-TR00-2**

#### **WITHDRAWAL OF APPEARANCE**

**1.1 Procedure.** All withdrawals of appearances shall be in writing and only by leave of Court. Permission to withdraw shall be given only after the withdrawing attorney has given the attorney's client ten (10) days written notice of the attorney's intention to withdraw and has filed a copy of such with the Court. The Court will not grant a request for withdrawal of appearance unless the same has been filed with the Court not less than 30 days prior to any scheduled hearing, except for good cause shown as determined by the Court.

All withdrawals of appearance shall comply fully with the provisions of the Rules of Professional Conduct, Rule 1.16.

**1.2 Contents of Notice.** The letter of withdrawal shall explain to the client that failure to secure new counsel may result in dismissal of the client's case or a default judgment may be entered against the client, whichever is appropriate, and other pertinent information such as any scheduled hearing date or trial date.

**1.3 Waiver.** A withdrawal of appearance, when accompanied by the appearance of other counsel, shall constitute a waiver of the requirements of this Rule.

## LR75-TR10-3

### FORM OF PLEADING

As used in these rules, the word “filing” shall mean and include pleadings, motions, and any other papers filed with the Court by any party to any cause. All filings shall be prepared in accordance with the provisions of the Indiana Rules of Trial Procedure. Additionally, the following requirements shall also be observed.

**1.1 Form of Filings.** All filings may be either printed or typewritten on 8 ½” x 11” white paper. If typewritten, the lines shall be double spaced except for quotations, which shall be indented and single spaced and printed on one side only. Copies of filings shall likewise be printed on white paper. Legible handwritten filings may be accepted in the discretion of the Court.

**1.2 Caption.** Every filing shall contain a caption setting forth the name of the Court, the title of the action and the file or cause number.

**1.3 Title.** Titles on all filings shall delineate each topic included in the filing, e.g. where a filing contains an Answer, a Motion to Strike or Dismiss, and a Jury Request, each shall be set forth in the title.

## LR75-TR00-4

### PREPARATION OF PLEADINGS

**1.1 Margins and Bindings.** Margins shall be one inch (1”) on all four sides of the printed document. Binding or stapling shall be at the top left hand side and at no other place. Covers or backing shall not be used.

**1.2 Signature.** All filings shall contain the signature of the attorney in written and typed form, the attorney’s address, attorney number, telephone number, FAX number, and a designation of the party for whom the attorney appears. The following form is recommended:

---

John Doe  
Indiana Attorney Number: 1234-56  
Name of law firm  
Address  
Telephone #:  
FAX #:  
Attorney for Plaintiff

Neither typewritten signatures nor facsimile signatures shall be accepted on original documents. Facsimile signatures are permitted on copies.



**FILING PROCEDURE**

**1.1 Required Number of Orders and Briefs.** Proposed orders shall be prepared and filed separately from the pleadings, motions, petitions, or other papers to which they refer. All such orders shall be accompanied with sufficient copies and stamped, self-addressed envelopes so that copies may be mailed to each party or counsel. All orders or settlements submitted to the Court shall be accompanied by a sufficient number of copies and the same number of postage paid addressed envelopes, so that a copy may be mailed to each party or counsel of record. The original and one copy of all orders shall be retained by the Clerk.

**1.2 Flat Filing.** The files of the Court shall be kept under the “flat-filing” system. All pleadings, documents and papers presented for filing shall be flat, unfolded, arranged in chronological order and affixed in flat file folders by standard prong fasteners.

**1.3 Court Files.** No court file nor any part thereof may be removed from the custody of the Court or Clerk by any person, including any attorney, except upon authorization by a Judge of the Court and then only upon such terms and conditions as may be provided by the Judge, one unalterable and invariable condition to be the written acknowledgment of such person that they have such file in their personal possession.

**1.4 Entry Form.** Every filing subsequent to the original complaint, shall be accompanied by an entry form, in duplicate, which shall contain the title and number of the case, the date, and the exact entry precisely delineating all documents filed which shall appear on the Chronological Case Summary. The entry form shall be typewritten or legibly printed, and shall be signed by counsel. Hearing dates on filing requiring Court action shall be obtained from the Judge’s staff after the paperwork is submitted. All entries will be examined and approved by the Judge to whom the case is assigned, or by any other sitting Judge, if the Judge to whom the case is assigned is unavailable, prior to inclusion in the Court’s entries. Additionally, all Chronological Case Summaries shall indicate that service shall be by the Clerk, or any alternate method, and shall specifically indicate to whom and where the copies are to be sent.

**1.5 Service of Copies on Counsel and Unrepresented Parties.** Every filing made by counsel and pro se litigants required to be served by T.R. 5 shall be served on all counsel of record or pro se litigant either before it is filed or on the day it is filed with the Court. A copy of the entry form of the filing shall also be served on all counsel of record or pro se litigant whenever the entry is the appearance of counsel or contains a setting for a Court hearing date. All proposed forms of order shall be submitted in sufficient number that distribution may be made to all parties.

**1.6 Publication.** Whenever service is made by publication, the party seeking service shall submit to the Court a request for such service and a praecipe which shall be supported by an affidavit stating that a diligent search has been made and that the opposing party cannot be found, has concealed his/her whereabouts, or has left the state.

**1.7 Routine Entries.** Entries, either routine in nature or uncontested, including for example, those setting or continuing a hearing, shall be set out on an entry form only, which shall contain the concise substance of the entry.

**1.8 Electronic Facsimile Filing.** Electronic facsimile filings (FAX) have not been approved under Administrative Rule 12 and the receipt of any pleading or document by FAX shall be for courtesy purposes only.

## **LR75-TR00-6**

### **MOTIONS**

**1.1 Notice.** When a motion requires notice, the serving of the copy of the motion upon the other parties in the cause shall constitute notice of filing same. If the motion requires a hearing or oral argument, the Court shall set the time and place of hearing or argument on the motion.

**1.2 Motions to Correct Error.** Any party may request a hearing upon a motion to correct error by filing a written request therefore by separate instrument at any time before the Court has ruled upon such motion. It shall be discretionary with the Judge before whom the cause is pending whether a hearing shall be held on such motion to correct error.

**1.3 Motions Not Likely to Require Hearing.** At the time of filing, a moving party shall bring the following motions to the attention of the Judge assigned:

- (1) Motion for Enlargement of Time;
- (2) Motion to Reconsider;
- (3) Motion for Change of Venue from County;
- (4) Motion for Change of Judge;
- (5) Motion to Dismiss Complaint by Plaintiff when no Answer has been filed.
- (6) Motion to Dismiss Counterclaim by Defendant when no reply has been filed;
- (7) Trial Rule 37(A) Motions to Compel Responses to Interrogatories (pursuant to T.R. 33), or to Requests for Production (pursuant to T.R. 34).

Such motions shall be summarily granted or denied ex parte unless the Judge, in the Judge's discretion, determines that a hearing should be scheduled on any such motion and schedules a hearing.

**1.4 Oral Arguments on Motions and Other Pleadings.** When an oral argument is requested, the request shall be made by separate instrument and filed with the pleading to be argued. Any such oral argument requested may be heard only at the discretion of the Court, except on Motions for Summary Judgment or Motions to Dismiss pursuant to T.R. 41(E), which cannot be granted without hearing.

**1.5 Enlargement of Time.** An initial written motion for enlargement of time pursuant to T.R. 6(B)(1) to respond to a claim shall be automatically allowed for an additional thirty (30) days from the original due date with a written order of the Court. Any motion filed pursuant to this Rule shall state the date when such response is due and the date to which time is enlarged. The motion must be filed on or before the original due date or this Rule shall be inapplicable. All subsequent motions shall be so designated and will be granted only for good cause shown.

**1.6 Briefs and Memoranda Regarding Motions.** Any brief or memorandum in support of any motion shall accompany or be filed simultaneous with the motion, and a copy shall be promptly served upon the opposing party. If the opposing party desires to file a brief or memorandum, that party must do so within ten (10) days of service of the movant's brief or memorandum. If the moving party desires to file a reply brief or memorandum, that party must do so within five (5) days of service of the response, brief or memorandum.

**1.7 Motions to Strike or to Insert New Matter.** Subject to T.R. 12(F) every motion to insert new matter or to strike out any part of any pleading in a cause shall be made in writing and shall set forth verbatim each set of words to be inserted or stricken. Each set of words to be inserted or stricken shall be designated in a separate specification, numbered consecutively.

**1.8 Motion to Reconsider Rulings.** A motion to reconsider a ruling of the Court on any motion must be in writing and must be served personally upon the ruling Judge. A motion to reconsider must be filed within fifteen (15) days of the ruling said motion addresses.

**1.9 Motions to Compel Discovery.** Upon application of any party who has served a request for discovery pursuant to T.R. 33 or T.R. 34, the Court shall, if it finds that the party to whom the interrogatories or request were directed has not responded within the time allowed, and that the moving party has complied with Trial Rule 26(F), order the non-responding party to respond within a period of time not less than ten (10) days after entry of the Court's order. The Court may, upon written request and for good cause shown, shorten or extend the time as it deems appropriate.

**1.10 Telephone Argument.** The Court, on its own motion or at a party's request, may direct argument of any motion by telephone conference. At the conclusion thereof, the Court may announce its order orally or may take the matter under advisement; but in either event, any order issued thereon shall be reduced to writing and a copy sent to the

parties. The Court may further direct which party shall arrange and pay for the cost of the telephone calls.

## **LR75-TR79-7**

### **SPECIAL JUDGES**

**1.1 Local Rule.** Whenever the Judge of the Starke Circuit Court has a conflict of interest which requires him to recuse himself, the case or matter shall be assigned to the Magistrate of the Starke Circuit Court for all further proceedings. The Magistrate shall accept jurisdiction under the provisions of the Amended Local Court Rule for Assignment of Certain Conflict Cases unless disqualified under the Code of Judicial Ethics or excused from service by the Indiana Supreme Court. The reassignment of the case shall be entered on the chronological case summary of the case and will not require an Oath or special Order accepting jurisdiction. The Magistrate shall retain jurisdiction of the case for all future proceedings unless a specific statute or Rule provides to the contrary or the Magistrate is unavailable to by reason of death, sickness, absence or unwillingness to serve.

If further reassignment or selection of a successor is required, then the case or matter shall be assigned to Senior Judge Marvin D. McLaughlin, Senior Judge Raymond D. Kickbush, Senior Judge J. Eric Smithburn, Senior Judge Don E. Harner, or Senior Judge Walter Chapala, based upon the respective judge's availability to conduct a hearing or trial scheduled in a manner to promote judicial economy and efficiency.

**1.2 Pursuant to Trial Rule 76.** A motion for a change of Judge shall be granted if filed within the time permitted under the Indiana Rules of Trial Procedure. In accordance with Trial Rule 79, the following procedure for appointment of a Special Judge is adopted:

- (A) The parties may agree, in writing, within seven, (7), days of an order granting a change of venue from judge or recusal, to a particular special judge. If there is no agreement, or that judge fails to accept the appointment, then;
- (B) The parties may agree, in writing, to the appointment of a special judge by the regular judge of the Court where the case is pending. If no agreement, or that judge fails to accept the appointment, then;
  - (1) The regular judge of the Court where the case is pending shall name a panel consisting of the Starke Circuit Court Magistrate, Senior Judge Marvin D. McLaughlin, Senior Judge Raymond D. Kickbush, Senior Judge J. Eric Smithburn, Senior Judge Don E. Harner, or Senior Judge Walter Chapala. If no selection is made

under this subsection, or that judge fails to accept the appointment, then;

- (2) The regular judge of the court where the case is pending shall appoint a special judge, on a rotating basis, from a list of the judges and magistrates in the Circuit and Superior Courts of Pulaski County, Marshall County, LaPorte County, Fulton County or Porter County.
- (C) If a special judge cannot be selected using the procedure set out in subparagraphs A through B, above, then the regular judge of the court where the case is pending shall certify the same to the Indiana Supreme Court for appointment of a special judge.

### **1.3 Amended Local Court Rule for Assignment of Certain Conflict Cases.**

This Rule shall apply to the reassignment of cases and the selection of a Judicial Officer where there is an Order of Disqualification or Recusal in order to bring the case to a conclusion in the Starke Circuit Court. As to all criminal and civil cases and matters, whenever the Judge of the Starke Circuit Court has a conflict of interest which requires him to recuse himself, the case or matter shall be assigned to Magistrate Mary DeBoer for all further proceedings. The Clerk, upon recusal by the Starke Circuit Court Judge, shall enter an Order transferring the case to Magistrate Mary DeBoer with an appropriate RJO entry and notify Magistrate Mary DeBoer. Magistrate Mary DeBoer shall accept jurisdiction under the provisions of this Rule unless disqualified under the Code of Judicial Ethics or excused from service by the Indiana Supreme Court. The reassignment of such case shall be entered on the chronological case summary of the case and will not require an Oath or special Order accepting jurisdiction. Magistrate Mary DeBoer shall retain jurisdiction of the case for all future proceedings unless a specific statute or Rule provides to the contrary or the Magistrate is unavailable by reason of death, sickness, absence or unwillingness to serve. If further reassignment or selection of a successor is required, then the case or matter shall be assigned to Senior Judge Marvin D. McLaughlin, Senior Judge Raymond Kickbush, Senior Judge Eric Smithburn, Senior Judge Don Harner, or Senior Judge Walter Chapala, based upon the respective judge's availability to conduct a hearing or trial scheduled in a manner to promote judicial economy and efficiency.

## **LR75-TR00-8**

### **CONTINUANCES**

**1.1 Motion for Continuance.** Unless made during a hearing or trial, a Motion for Continuance shall be made in writing, stating with particularity the grounds therefore and be verified, and shall state whether opposing counsel objects to the motion, and whether prior continuances have been requested by the moving party.

- (1) The Court may require any written Motion for Continuance to be signed by the party requesting the continuance in addition to the signature of the attorney so moving.
- (2) The Court may require the stipulation to continue the hearing of any pending matter to state with particularity the grounds for the continuance and be signed by all attorneys of record.

**1.2 Time for Filing.** Motions or Stipulations for Continuance must be filed as soon after the cause for continuance or delay is discovered by the movant, and no later than seven (7) days before the date assigned for trial or hearing, unless good cause therefore is shown by affidavit to have occurred within the seven (7) day period.

**1.3 Court's Discretion.** The Court in its discretion may grant or deny a continuance.

**1.4 Rescheduling.** Unless the Court directs otherwise, all matters continued shall be rescheduled on the Court's calendar when all attorneys will be available. If all attorneys of record are not present in the Court when a matter is continued, the attorney(s) who requested such continuance shall, within ten (10) days following the granting of the continuance, request the matter be rescheduled. If more than two (2) attorneys represent the parties in a case, then the Court may require the party who requested the continuance to notify the Court of five (5) dates that are available for all of the attorneys involved in the matter.

**1.5 Costs of Delay or Continuance.** Any cost or reasonable expense incurred by the Court or non-moving party as a result of the continuance or delay may be assessed against the moving party at the discretion of the Court.

## **LR75-TR00-9**

### **SETTLEMENTS**

**1.1 Costs for Late Settlement of Cause and/or Failure to Notify Court of Settlement.** Any cost or reasonable expense incurred by the Court as a result of a late settlement of the cause and/or any cost or reasonable expense incurred by the Court as a result of any failure to notify the Court of any settlement of the Cause may be assessed against either party or parties or all parties, as determined by the Court in its discretion.

- (1) Reasonable costs shall include, but are not limited to: costs of jury notification; and, jury per diem and mileage.
- (2) All parties have the duty to notify the Court of any settlement of their cause.
- (3) Late settlement of the cause means any settlement which is made within fourteen (14) calendar days of the date set for trial.

- (4) Late settlement of the cause shall also mean any settlement which is made from commencement of the trial to and including the return of a verdict by the jury.
- (5) Failure to notify the Court of any settlement within five (5) calendar days of the date set for trial shall constitute failure to notify the Court of settlement.

## **LR75-TR00-10**

### **DISCOVERY**

**1.1 Time Limit.** Counsel are expected to begin discovery promptly. In all cases, discovery shall be completed prior to the pre-trial conference unless otherwise ordered by the Court. For good cause shown, the physical or mental examination of a party, as provided for in T.R. 35 may be ordered at any time prior to the trial.

**1.2 Extensions of Time.** For good cause shown and prior to the expiration of the time within which discovery is required to be completed, time may be extended for completion of discovery. Motions and stipulations for additional time for completion of discovery must set forth reasons justifying the additional time. Stipulations extending the discovery period must be approved by the Court.

## **LR75-TR33-11**

### **INTERROGATORIES**

**1.1 Preparation.** Interrogatories shall be tailored specifically to each cause in which they are filed, and shall be consecutively numbered to facilitate response. All interrogatories to parties propounded shall be prepared pursuant to T.R. 33.

**1.2 Answers and Objections.** Answers or objections to interrogatories under T.R. 31 or T.R. 33 shall set forth in full the interrogatories being answered or objected to immediately preceding the answer or objections. The responding party shall type the requested answers in the space provided, as required by this Rule, shall supply the oath or affirmation, and shall serve the original and one copy upon propounding counsel.

**1.3 Filing.** No interrogatories shall be filed with the Court except as provided in T.R. 5(E)(2).

## **LR75-TR30-12**

### **DEPOSITIONS**

**1.1 Depositions.** Depositions shall be governed by T.R. 30. Video tape or other mechanically reproduced tapes as allowed by T.R. 74, shall be admissible to the same degree as any other depositions. A transcript of the testimony elicited in the video tape shall accompany all video taped depositions filed with the Court.

**1.2 Storage of Depositions.** All original depositions filed with the Court shall remain in the custody of the Court Reporter until the period of time for appeal has expired. Thereafter, the attorney who filed the original deposition(s) shall physically retrieve the deposition(s) from the custody of the Court Reporter or shall provide a postage-paid container to have the deposition(s) mailed to the attorney.

## **LR75-TR00-13**

### **CASE MANAGEMENT**

**1.1 Case Management Conferences.** No sooner than 120 days after the filing of any complaint in a civil plenary (PL), civil tort (CT), civil collection (CC), or mortgage foreclosure (MF) case, a case management conference may be scheduled upon motion of any party of the Court. Each party shall be represented at this conference by an attorney familiar with the case, who shall be prepared to discuss and enter into stipulations concerning:

- (1) the exchange of lists of witnesses known to have knowledge of the facts supporting the pleadings. The parties thereafter shall be under a continuing obligation to advise the opposing parties of other witnesses as they become known;
- (2) the exchange of all documents, and any other evidence reasonably available, contemplated for use in support of the pleadings;
- (3) a discovery schedule;
- (4) the necessity for additional conferences in complex litigation;
- (5) the necessity for amendments to the pleadings and the filing or hearing of dispositive motions. Absent agreement, the Court shall schedule the filing, briefing, and hearing thereof; and
- (6) settlement and the feasibility of Alternative Dispute Resolution.



**1.2 Case Management Order.** At the conclusion of the case management conference, or if the Court chooses not to hold a case management conference, no sooner than 120 days after the filing of the complaint, the Court shall enter a case management order setting forth:

- (1) a time limit for completion of discovery;
- (2) a time limit for filing all pre-trial dispositive motions;
- (3) the scheduling of a pre-trial conference;
- (4) time limits for filing, and the format of proposed preliminary and final jury instructions and objections thereto;
- (5) time limit(s) for filing Motions in Limine;
- (6) time limit(s) for completion of Alternative Dispute Resolution (ADR) and filing any report required by the ADR rules; and
- (7) any other matters which the parties or the Court have seen fit to address.

## **LR75-TR00-14**

### **PRE-TRIAL CONFERENCES**

**1.1 Mandatory Pre-Trial Conferences.** A pre-trial conference shall be held in every civil plenary and civil tort action, at which each party shall be represented by the attorney who will conduct the trial.

The parties shall exchange written lists of witnesses and photocopies of exhibits, together with contentions and statements of issues of fact and law, at least thirty (30) days prior to the pre-trial conference. Counsel for the first named defendant shall prepare a pre-trial order, which shall be executed by counsel for all parties and filed on or before the date of the Pre-Trial Conference. The pre-trial order shall set forth in the following sequence:

- (1) the jurisdiction of the Court;
- (2) the pleadings raising the issues;
- (3) a list of motions or other matters requiring action by the Court;
- (4) a concise statement of stipulated facts, with reservations, if any;
- (5) a concise statement of issues of fact which remain to be litigated;

- (6) a concise statement of issues of law which remain for determination by the Court;
- (7) the plaintiff's contentions;
- (8) the defendant's contentions;
- (9) the plaintiff's numbered list of trial exhibits;
- (10) the defendant's numbered list of trial exhibits;
- (11) the plaintiff's numbered list of trial witnesses, with addresses. Expert witnesses shall be so designated;
- (12) the defendant's numbered list of trial witnesses, with addresses. Expert witnesses shall be so designated; and
- (13) the estimated length of trial.

**1.2 Pre-Trial Order.** At the conclusion of the pre-trial conference, the Court shall render a pre-trial order which, when entered, shall control the course of the trial and may not be amended except by order of the Court to prevent manifest injustice.

**1.3 Memoranda of Law.** Memoranda of law, addressing any unusual questions of law, shall be filed and served no later than seven (7) days prior to trial.

**1.4 Trial Setting.** At the conclusion of the pre-trial conference, if the Court finds that the parties have completed discovery, all outstanding pre-trial issues have been addressed, and at the parties' request, the cause may be set for trial.

**1.5 Sanctions.** Failure of the parties or their attorneys to be prepared for the case management conference, for the pre-trial conference, or to otherwise comply with this Rule, shall subject them to sanctions under Trial Rule 16(K).

## **LR75-TR00-15**

### **EXHIBITS**

**1.1 Marking in Advance.** Exhibits which are not marked at, or prior to the final pre-trial conference, shall be presented to the court reporter for marking prior to the beginning of trial, where possible, or during recesses in the trial, so that the trial is not delayed for the marking of exhibits.

**1.2 Custody.** All models, diagrams, exhibits, and material offered or admitted into evidence in any cause pending or tried before the Court or jury shall be placed in the custody of the court reporter unless otherwise ordered by the Judge.

**1.3 Removal.** After a case has been decided, unless an appeal has been taken, all models, diagrams, exhibits, or material placed in the custody of the court reporter shall be taken by the parties offering them within six (6) months after the conclusion of the case. At the time of removal, a detailed receipt shall be left with the court reporter and filed with the cause.

**1.4 Destruction of Exhibits.** The court reporter shall retain the exhibits from any case for six (6) months after the conclusion of the case, including appeals. After a case is decided and no appeal taken, or after all appeals are completed, the court reporter may give notice in writing to the party introducing the exhibit giving a time within which the exhibit shall be removed from the custody of the court reporter. If the party does not recover the exhibit within the time indicated, the court reporter may dispose of same and the party shall be charged with any expense of such disposition.

## **SECTION II: FAMILY LAW RULES**

### **TITLE AND SCOPE**

**Title.** These rules shall be known as the Starke Circuit Court Family Law Rules.

**Scope.** The Starke Circuit Court Civil Procedure Rules formally applied in all family law matters; however, with the adoption of these local Family Law Rules, the former rules used in this Court shall be deemed repealed.

### **LR75-FL00-1**

#### **ADMINISTRATIVE PROCEDURES**

**1.1 Notice.** The moving parties shall provide the Court with a written notice of all other pending legal proceedings in which either party or minor children are involved. The written notice shall include the case number, name and address for the Court, names of parties involved, and the nature of the legal proceeding.

**1.2 Time Required.** The moving party shall advise the Court of the time required for the hearing in the text of the motion, petition, pleading, or CCS entry. The Court allows 15 minutes for provisional or final hearings, petitions for modifications of support, and contempt petitions, unless stated otherwise.

**1.3 Obligation to be Informed.** Counsel and parties to an action shall keep themselves informed of all steps taken and all matters pending before the Court, and are bound by the Court's actions, including but not limited to rulings, notice of trial date settings, and current position of cases on the trial calendar, all without special or additional oral or written notice by the Court.

### **LR75-FL00-2**

#### **EX PARTE MATTERS**

**1.1 Ex Parte Emergency Orders.** Ex parte emergency orders shall be considered a rare exception to the general premise that fair proceedings involve notice and an opportunity to be heard. Whenever the circumstances do warrant emergency ex parte relief, petitioner and the Court must follow the requirements of Indiana Trial Rule 65(B).

## LR75-FL00-3

### EMERGENCY CUSTODY ORDERS

**1.1 Emergency Orders.** No emergency changes of child custody will be scheduled on the Court calendar, except by prior approval of a Judge or Magistrate. In the event there is a potential for physical harm to the children or neglect alleged by either parent, the Court will consider custody on a temporary basis filed in writing not earlier than 72 hours after the case has been referred to the Starke County Department of Child Services, Child Protection Services, pursuant to the Indiana Juvenile Code. The party requesting emergency custody must show proof of the date and time of notification of the Starke County Department of Child Services, and the name of the person taking the report.

## LR75-FL00-4

### TEMPORARY RESTRAINING ORDERS

**1.1 Temporary Restraining Orders.** Subject to the provisions of T.R. 65, in all family law matters, the Court may issue a Temporary Restraining Order without hearing or security, if either party files a **verified petition** signed by the moving party and counsel alleging an injury would result to the moving party if no immediate order were issued.

**1.2 Joint Order.** If the Court finds that an Order shall be entered, the Court may enjoin both parties from:

1. Transferring, encumbering, concealing, selling or otherwise disposing of any joint property of the parties or assets of the marriage without the written consent of the parties or the permission of the Court.
2. Removing any child of the parties then residing in the State of Indiana from the State with the intent to deprive the Court of jurisdiction over such child without the prior consent of all the parties or permission of the Court.

**1.3 Separate Order Required.** In all other domestic relations cases where a party seeks a Temporary Restraining Order and the Court determines that an Order shall be issued, such Order shall be addressed to one person. **A joint or mutual restraining or protective order shall not be issued.** If both parties allege injury, they shall do so by separate petitions. The Court shall review each petition separately and grant or deny each petition on its individual merits. In the event the Court finds cause to grant both petitions, it shall do so by separate orders.

**1.4 Effective Date and Direction of Order.** An Order entered under T.R. 65(B) shall become automatically effective upon service and shall remain in effect until the entry of a decree or final order or until modified or dissolved by the Court.

**1.5 Confidential Form.** Each moving party shall provide the Court with a completed protection order Confidential Form. In the event the Temporary Restraining Order is modified or extended, the moving party shall again file a completed protection order Confidential Form.

**1.6 Notice of Termination.** When a protective order that was placed in the protective order depository is terminated or expires, the party obtaining the order **must** file a Notice of Termination of the protective order with the Clerk of the Court.

**1.7 Existing Protective Order.** When the Court issues a temporary restraining order under I.C. 31-15-4-3 and a protective order exists under I.C. 34-26-2, et seq., a Notice of Termination of the protective order **must** be completed and filed with the Clerk of the Court.

**1.8 Consolidation of Proceedings.** When the Court has issued a protective order prior to the filing of the Petition for Dissolution or Legal Separation and no restraining order is requested in the dissolution or separation proceeding, the Court shall be presented with a petition and proposed order to consolidate the protective order file with the dissolution or separation action.

## **LR75-FL00-5**

### **CUSTODY DISPUTES**

**1.1 Evaluations.** Custody evaluations will not be routinely required by the Court as a part of custody disputes in divorce or modification proceedings. The Court may order such an evaluation to be made in appropriate circumstances, and after a hearing at which the parties propose the custody evaluator(s) to be retained to conduct the evaluation, and the manner in which the parties shall pay the costs of such evaluation, preparation of reports, and trial testimony of such evaluator.

**1.2 Pre-Trial Conference.** The Court may, in its discretion, schedule the case for a pre-trial conference at the time of filing the Petition for Custody, if no investigation is requested, or after all releases and witness lists have been filed, whichever is appropriate.

## **LR75-FL00-6**

### **GUARDIANS AD LITEM**

**1.1 Definition.** An individual appointed by the Court under I.C. 31-1-11.5-28(b); I.C. 31-15-6-1; I.C. 31-17-6-1 or by Order of Court.

**1.2 When Appointed.** Whenever the Court is required to do so by statute, and whenever the Court finds, in its discretion, that it is appropriate to appoint a guardian ad litem. The guardian ad litem then becomes a party and anything to be served on the opposing party shall also be served on the guardian ad litem.

**1.3 Duties.** Guardian Ad Litem shall:

- (1) Perform all duties required by law which includes to protect the best interests of the child(ren); and
- (2) Submit a written report of his or her finding to the Court prior to the matter being heard by the Court. The attorneys and pro-se litigants shall receive notice of the filing of the report and may inspect same upon notice to the Court.

**1.4 How Appointed.**

- (1) Where the parties or either of them request and/or where the Court had determined a guardian ad litem should be appointed to protect the best interest of the child, the parties shall within the time set by the Court, select a guardian ad litem.
- (2) In the event the parties fail to select a guardian ad litem within the time determined by the Court, the Court shall name a three-person panel.
- (3) After the Court has named the panel, the party listed on the case caption as Petitioner, shall within three (3) days, strike first. Respondent shall, within three (3) days thereafter, strike from the remaining two (2) persons. The remaining person is the court appointed guardian ad litem, subject to that person's acceptance.
  - (a) In the event either party should fail to strike within the time frame provided, they have waived their opportunity to strike and the other party may strike in their place.
  - (b) Should both parties fail to strike, then the first named person on the list is appointed guardian ad litem, subject to acceptance.

**1.5 Fees.** When a guardian ad litem is selected, the Court shall order each party to pay a lump sum, in an amount not less than \$350.00, into the Clerk of the Starke Circuit Court to be held for the payment of guardian ad litem fees. The guardian ad litem shall periodically file a fee affidavit with the Court and request that the Clerk be ordered to release sums in an appropriate amount to pay fees current to date. To insure payment to the guardian ad litem, the Court may Order additional monies to be paid into the Court as it becomes necessary. The Court may reapportion the total costs at the time of the disposition.

## **1.6 Term of Service.**

- (1) The guardian ad litem shall serve in such capacity until such time as discharged by the Court.
- (2) The guardian ad litem may, at any time, request that he or she be relieved of their duties.
- (3) The parties may request that a guardian ad litem be removed and it will be within the Court's discretion whether just cause exists for such removal.

**1.7 Form of Order.** Whenever a guardian ad litem is appointed, the Appointment of Guardian Ad Litem Order shall be prepared and submitted for approval of the Court.

## **LR75-FL00-7**

### **CHILD CUSTODY**

**1.1 Custody and Visitation Evaluations.** In any case where child custody/visitation is disputed, the Court upon motion of either party or its own motion may order the parties and child(ren) to undergo a custody or visitation evaluation. The Court shall allocate the cost of the evaluation.

**1.2 Continuance.** It may be grounds for a continuance that the Court ordered custody/visitation evaluation or report has not been sent to counsel and to any party not represented by counsel at least ten (10) days prior to the hearing date.

**1.3 Admissibility.** A Court ordered custody/visitation evaluation or report shall be admissible into evidence on the motion of either party without the evaluator needing to be present at the hearing. No part of this Rule is intended to supplant the right of either party to compel the attendance of the evaluator or other witnesses as set out in Indiana Trial Rule 45.

**1.4 Release of Custody/Visitation Evaluation or Report.** Upon written request, a Court ordered custody/visitation evaluation or report shall be released to all parties. The content of the evaluation or report shall not be discussed with or in the presence of any minor child of the marriage. **Violation of this order may result in a contempt of Court proceeding.**

## **LR75-FL00-8**

### **CHILD COUNSELING SESSION**

**1.1 Parent Education Program.** All parents in legal separation or dissolution actions in which there are any minor children or in post-decree or paternity actions involving visitation or custody disputes shall attend a parent education program



sponsored by the Starke Circuit Court and Porter-Starke Services, Inc. or the Center for Family Conflict Resolution, Inc. Attendance at the program shall take place within sixty (60) days after filing of the action or motion or otherwise as ordered by the Court. In post-decree matters, attendance may be waived by the Court if the parties have previously attended the program.

Each party shall be responsible for registering for the program by calling Porter-Starke Services, Inc. at (574) 772-4040 or The Center for Family Conflict Resolution, Inc. at (574) 806-2439. **All parents shall pay a participation fee not to exceed \$25.00 per person to cover the cost of providing the program. This fee shall be payable direct to Porter-Starke Services, Inc. or to Ken Hine at The Center for Family Conflict Resolution, Inc., at or prior to the time of first class attendance.** If a party is completely unable to pay the participation fee and appropriate motion shall be filed with the Court and the Court may require the other party to pay the participation fee or it may take other appropriate action.

Upon filing a Petition or Motion in which there are minor children, the attorney or pro se litigant shall complete an original and four (4) copies of the Order of Participation and Referral. **The Order will be signed by the Court and forwarded by the Court to Porter-Starke Services, Inc. or The Center for Family Conflict Resolution, Inc.** The attorney shall provide a copy of the Order and Instructional Letter to the petitioner or movant. A copy of the Order and Instructional Letter shall be served by the moving party or counsel of the opposing parent along with the underlying Petition or Motion.

## **LR75-FL00-9**

### **VISITATION ORDERS**

**1.1 Guidelines.** The Indiana Parenting Time Guidelines shall apply as the presumed order of the Court in all custody situations. Any deviation from the Guidelines by either party or the Court must be accompanied by a written explanation indicating why the deviation is necessary or appropriate in that case. Any party seeking a deviation shall submit to the Court as part of his or her request a written statement stating the reasons for the deviation.

**1.2 Exclusion.** The Guidelines shall not apply to situations involving family violence, substance abuse, risk of flight with a child, or any other circumstance the Court reasonably believes endangers the child's physical health or safety or significantly impairs the child's emotional development. In such cases, parenting time shall be determined on a case-by-case basis.

## LR75-FL00-10

### CHILD SUPPORT GUIDELINES

**1.1 Support Guidelines.** The Indiana Child Support Guidelines shall apply in every instance in which child support is established or modified, including agreed orders. The amount of child support resulting from the application of the Guidelines is rebuttably presumed to be the correct amount of child support to be entered.

**1.2 Worksheet Required.** In all proceedings involving child support, each party shall file with any settlement, or enter into evidence during any trial, Indiana Child Support Guidelines worksheets-one or more depending on the facts. Further, the worksheet(s) shall, when reasonably possible, be delivered to the other party simultaneously with the Financial Declaration Form, but, in any event, within ten (10) days of receiving the other party's Form. The worksheet(s) shall be promptly supplemented if any changes occur prior to resolution.

**1.3 Support Settlement Agreements.** If an agreement concerning support contains deviation ten percent (10%) or more from the Guidelines, the parties shall present to the Court a written explanation, with supporting documents, justifying the deviation.

**1.4 Withholding Orders.** In all proceedings involving the creation, modification or enforcement of child support, the parties shall submit a written Income Withholding Order, which Order shall be submitted with any settlement decree, modification, or other Order.

**1.5 Support Information Sheet.** Anytime the Court enters an order creating or modifying a child support order, the parties shall supply a Clerk's Information Sheet to the Clerk of this Court.

**1.6 Clerk's Processing Fee.** In preparing an order for payment of child support which is payable to the Clerk's office, the parties shall include in the order a provision that the child support obligator shall pay the Clerk's annual processing fee.

## LR75-FL00-11

### FINANCIAL DECLARATION FORM

**1.1 Requirement.** In all family law matters, including dissolutions, separations, post-decree and support proceedings, each party shall prepare and exchange, respectively, within 45 days of the initial filing of the action or within 30 days of the filing of any post-decree matters, a Financial Declaration Form. These time limits may be extended or shortened by court order for good cause shown. In those cases where there is service, but no appearance by counsel, it is the responsibility of the moving party to serve the

completed form on the other party within ten (10) days and to notify that party of the duty to prepare and serve one as well. Each party shall file with the Court a certificate of completion at the time the respective Financial Declaration Form is served on the opposing party. Except for good cause shown, no final hearing will be set until both parties have filed certificates of completion.

**1.2 Exceptions.** The form need not be exchanged if:

- (1) the parties agree in writing within 30 days of the initial filing to waive exchange, **and;**
- (2) the parties have executed a written agreement which settles all financial issues, or;
- (3) the proceeding is merely at a provisional or emergency relief stage, or;
- (4) the proceeding is one in which the service is by publication and there is no response, or;
- (5) the proceeding is post-decree and concerns issues without financial implication. Provided, however, when the proceeding is post-decree and concerns an arrearage, the alleged delinquent party shall complete the entire Form, while the support recipient need complete merely that portion thereof which requires specification of the basis of the arrearage calculation (with appropriate supporting documentation).

**1.3 Use at Trial.** The Form is intended primarily as discovery although, subject to appropriate objection, it shall be admissible at the request of any party. Therefore, particularly in view of the presumptive nature of the Support Guidelines, direct examination on Form data shall address only unusual factors which require explanation, or corrections, and shall not, particularly with respect to issues of support, be routinely permitted. For evidentiary purposes, the pages of the Form shall be deemed severable.

**1.4 Supporting Documents.** For the purposes of providing a full and complete verification of assets, liabilities and values, each party shall attach to the Form all information reasonably required and reasonably available. This shall include recent bills, wage and tax records, and bank, pension and year-end mortgage statements. “Reasonably available” means that material which may be obtained by letter accompanied with authorization, but does not mean material that must be subpoenaed or is in possession of the other party. Appraisals of real estate and pensions, or of personal property such as jewelry, antiques or special collections (stamps, coins or guns, for example), are not required. However, once an appraisal is obtained, it must be exchanged. Moreover, the Court may direct that an appraisal be obtained, and may designate the appraiser.

**1.5 Privacy-Sealing of Forms.** Whenever the interest of privacy so requires, the Court may, upon motion, direct the admitted Forms sealed until further order. However, such requests shall not be made as a matter of course. When ordered sealed, the court reporter shall take custody of the Forms and place them in a flat manner in an envelope of

sufficient size, seal the envelope and affix a copy of the order. Forms may be withdrawn at the conclusion of the case on such terms as the Court allows.

**Final Declaration-Mandatory Discovery.** The exchange of Forms constitutes mandatory discovery. Thus, Indiana Rules of Trial Procedure, Rule 37 sanctions apply. Additionally, pursuant to Trial Rule 26(E)(2) and (3), the Form shall be supplemented if additional material becomes available. Further, any additional discovery such as a motion to produce interrogatories, or depositions of the parties shall not commence until the Forms are exchanged.

## **LR75-FL00-12**

### **PRE-TRIAL CONFERENCES**

**1.1 Prior to Final Hearing.** Prior to the scheduling of a final hearing on a Petition for Dissolution or other domestic relations matters the Court may, in its discretion or upon request of either party, schedule the case for a Pre-Trial Conference (PTC). When scheduling the PTC, that case may also be placed on the trial calendar, on the condition that the trial is at least 30 days after the PTC date. In the event the PTC is continued, it shall be reset to a date at least 30 days prior to the trial date, unless otherwise approved by the Judge or Magistrate.

**1.2 Requirements.** When a PTC is scheduled, the parties shall be prepared to: (1) discuss and disclose the time required for the hearing; (2) disclose and exchange the names and addresses of all witnesses; (3) submit a joint inventory of property and debts to the Court; (4) jointly define, in writing, all issues to be decided by the Court at a hearing; (5) jointly define all agreed matters; (6) submit a Financial Declaration form for each party and a child support worksheet [if applicable]; (7) discuss mediation of the contested issues.

## **LR75-FL00-13**

### **REQUESTS FOR FINAL HEARINGS**

**1.1 Requests.** No final dissolution hearing will be scheduled by the Court until the parties (with minor children) have shown proof of completion of the “Children in the Middle II” program, except for good cause shown to the Court.

## **LR75-FL00-14**

### **PREPARATION OF ORDERS**

**1.1 Exchange.** It shall be the duty of the parties' attorneys to prepare decrees and other orders as directed by the Court. The attorney so directed shall first submit them to all other attorneys of record, within fourteen (14) days, to enable them to challenge any provision thereof, before submission to the Court for entry.

**1.2 Additions.** If the preparing attorney believes the receiving attorney is unreasonably withholding approval as to the form of the order, or if either attorney believes the other is attempting to make additions not addressed by the Court, either may submit a proposed form of order to the Court, and shall attach thereto a written explanation of the dispute. Either attorney shall have seven (7) days to respond before the Court enters any order. The Court may enter sanction against a party who has unreasonably withheld approval or attempted to make additions not addressed by the Court.

**1.3 Signatures.** The signature line for each counsel or pro se litigant shall indicate "Approval As To Form". Such signature indicated that the order correctly reflects the Court's ruling. It does not necessarily signify that the signing party or attorney agreed with that ruling.

**1.4 Required Number of Copies.** In all cases, it shall be the responsibility of the parties to make that all orders submitted to the Court shall be accompanied by a sufficient number of copies and the same number of postage paid addressed envelopes, so that a copy may be mailed to each party or counsel of record. The original and one copy of all orders shall be retained by the Clerk.

## **LR75-FL00-15**

### **SANCTIONS**

**1.1 Sanctions.** If a party or counsel fails to timely prepare, exchange or file a Financial Declaration Form or Child Support Worksheet(s), or fails to cooperate in providing information relevant thereto in a timely manner, either is subject to sanctions under Trial Rule 37.

## **LR75-FL00-16**

### **ATTORNEY FEE REQUESTS**

**1.1 Award of Attorney Fees.** Attorney fees may be awarded based on evidence presented by affidavit or oral testimony at the hearing.

**1.2 Affidavits.** When attorney fees, except those sought provisionally, are requested from the opposing party, the requesting party shall submit an appropriate affidavit, which the Court may admit as an exhibit.

**1.3 Written Requirements.** The affidavit shall indicate the:

- (1) requested fee and the basis thereof;
- (2) amount counsel has billed, contracted for or been promised, and;
- (3) amount counsel has received from all sources.

A copy of the written fee contract, if any, shall be attached to the affidavit and be deemed a part thereof.

Opposing counsel may cross-examine the requesting party as to any of the submitted material.

**1.4 Contempt Citation Attorney Fees.** There shall be a rebuttable presumption that attorney fees shall be awarded to the prevailing party in all matters involving a contempt citation. An attorney may submit the requested fee by affidavit or oral testimony, which may be accompanied by an itemized statement, all subject to cross-examination.

## **LR75-FL00-17**

### **AGREED MATTERS-SUBMISSION**

**1.1 Submitting Agreements.** No agreed matter shall be submitted unless accompanied by a signed agreement, and other appropriate documents, such as a decree, a wage-withholding order, or a Qualified Domestic Relations Order. However, if the parties reach a settlement just prior to hearing or trial and there is insufficient time for the attorneys to prepare a typewritten agreement, then the Court may accept evidence of that settlement in handwritten form or on the record. If the agreement is entered orally on the record, counsel shall submit an order setting forth the agreement for approval by the Court within ten (10) days or such additional time as the Court may allow.

**1.2 Petition for Modification Required.** A verified petition for modification shall be included with any agreed entry pursuant to Indiana Trial Rule 7(B).

## **LR75-FL00-18**

### **SUMMARY DISSOLUTION DECREE**

**1.1 Waivers.** Waivers of final hearings under I.C. 31-15-2-13 shall be in the Court's discretion and not ordinarily granted in cases where there are minor children or if no minor children where only one party is represented by counsel.

## **LR75-FL00-19**

### **AGREEMENT WITH COURT DATE PENDING**

**1.1 Agreements with Date Pending.** In all proceedings where a court date is pending and the parties reach an agreement between themselves, the parties shall notify the Court in a timely manner. Failure to do so may result in sanctions being imposed against either party or both parties and/or their attorneys.

## **LR75-FL00-20**

### **TERMINATION OF REPRESENTATIVE CAPACITY**

**1.1 Termination of Representation.** Upon the entry of a final Decree of Dissolution of Marriage or Legal Separation, or an order of modification of any custody, visitation and/or child support order, the representative capacity of all attorneys appearing on behalf of such party shall be deemed terminated upon:

- (1) An order of withdrawal granted by the Court;
- (2) The expiration of time within which appeal of the Order may be preserved or perfected pursuant to the Indiana Trial Rules and/or the Indiana Rules of Appellate Procedure; or
- (3) The conclusion of any appeal of the Order commenced pursuant to Indiana Trial Rules and/or the Indiana Rules of Appellate Procedure.

**1.2 Service of Pleading.** The service of any post-dissolution pleadings upon any party not represented by counsel pursuant to the paragraph above shall be made upon that person pursuant to the Indiana Trial Rules.

**1.3 Service on Previous Counsel.** Any copy of any post-dissolution pleadings served upon previous counsel will be deemed a matter of professional courtesy only.

## **SECTION III: CRIMINAL RULES**

### **LR75-CR2.1-1**

#### **APPEARANCES**

**1.1 State of Indiana.** When a criminal proceeding is commences, the Prosecuting Attorney shall file an appearance form that complies with the requirements of Indiana Rule of Criminal Procedure 2.1.

**1.2 Defendant.** When an attorney for the Defendant first appears in the criminal case, the defense attorney shall file an appearance form that complies with the requirements of Indiana Rule of Criminal Procedure 2.1.

### **LR75-CR2.2-2**

#### **INITIAL CASE ASSIGNMENT**

All criminal actions involving felony and misdemeanor cases shall be assigned to the Judge of the Starke Circuit Court except for misdemeanors filed by the State in the Knox City Court.

### **LR75-CR13-3**

#### **CASE REASSIGNMENT AND SPECIAL JUDGES**

In the event a change of judge is granted or it becomes necessary to assign another judge in any felony or misdemeanor proceeding in the Starke Circuit Court, the case shall be assigned to the Magistrate of the Starke Circuit Court or pursuant to the Local Rule pertaining to Senior Judge Appointments. (See LR75-TR79-7, section 1.1).

In the event that a change of judge is granted from both the Judge and the Magistrate or it becomes necessary to assign another Judge other than the Judge or Magistrate, then the case or matter shall be assigned to Senior Judge Marvin D. McLaughlin, Senior Judge Raymond D. Kickbush, Senior Judge J. Eric Smithburn, Senior Judge Don Harner, or Senior Judge Walter Chapala, based upon the respective judge's availability to conduct a hearing or trial in a manner to promote judicial economy and efficiency.

In the event that no judge is available for assignment or reassignment of a felony or misdemeanor case, such matter shall be certified to the Indiana Supreme Court for the appointment of a special judge. In the event the Judge presiding in a felony or misdemeanor case concludes that the unique circumstance presented in such proceeding



require appointment by the Indiana Supreme Court of a special judge, this presiding judge may request the Indiana Supreme Court for such appointment.

#### **LR75-CR00-4**

### **BOND**

**1.1 Arrest Warrants.** At the time a probable cause affidavit is presented to the Judge or Magistrate of the Court, if the Judge finds that probable cause exists and orders an arrest warrant issued, the Judge shall also set the amount of bond. The amount of bond, if any, for all Murder, Class A, B, C and D felonies which are presented to the Court for a finding of probable cause and issuance of an arrest warrant shall be determined on a case by case basis.

**1.2 Additional Conditions of Bond.** In addition to the conditions of bail bond, the following conditions shall apply:

- (1) Defendant **shall appear** in court at all times required by the court;
- (2) Defendant **shall not commit nor be arrested for** another criminal offense;
- (3) Defendant shall keep his/her attorney and the bondsman, if any, advised in writing of any change of address within 24 hours of such change, which shall then be communicated to the Court; and
- (4) any other conditions ordered by the court.

Violation of any condition may result in revocation of bond and issuance of an arrest warrant.

**1.3 Offenses Committed While a Person is Already on Formal Probation.** If jailers or arresting officers know a person is out of jail on formal probation and is arrested on a new bondable offense, no bond shall be accepted on the new charge until the Defendant has appeared in Court on the new charge. The Defendant should be brought into Court on the new charge as soon as possible.

#### **LR75-CR00-5**

### **WAIVERS**

Whenever a Defendant waives a right the Court shall enter of record that the Defendant is present, and after having been advised of such right, waives the same. The Court may also require that the waiver of a right be in writing, signed by the Defendant personally, and approved by the Court.

Any waiver may be set aside by the Court to prevent any injustice.

## **LR75-CR00-6**

### **WAIVER OF COUNSEL**

The Defendant may waive his or her right to counsel; however, such waiver must be executed in writing and entered in the record of proceedings in the case. Further, the Court may decline to accept such waiver, if necessary to prevent any injustice.

## **LR75-CR00-7**

### **PRE-TRIAL DISCOVERY**

In all criminal cases, reciprocal pre-trial discovery shall be available to both the State and the Defendant, upon request of the opposing party, as follows:

**1.1 State of Indiana.** The State shall produce, upon request, the following:

- (1) The names, last known addresses, dates of birth, and social security numbers of persons whom the State intends to call as witnesses, or the name and employer of all law enforcement personnel and medical personnel, together with their relevant written or recorded statements, memoranda containing substantially verbatim reports of their oral statements and a list of memoranda reporting or summarizing their oral statements, other than the attorney's work product.
- (2) Any written or recorded statements and the substance of any oral statements made by the accused or by a co-defendant, and a list of witnesses to the making and acknowledgment of such statements.
- (3) Any reports or statements of experts made in connection with the particular case, including results of physical or mental examinations and of scientific tests, experiments, or comparisons.
- (4) Any books, papers, documents, photographs or tangible objects which the prosecuting attorney intends to use in the hearing or trial, or which were obtained from, or belong to, the accused.
- (5) Any record of prior criminal convictions which may be used for impeachment of the persons whom the State intends to call as witnesses at the hearing or trial, as well as any record of prior criminal convictions that the State intends to use for impeachment of the Defendant on cross-examination.

**1.2 Defendant.** The defendant shall produce, upon request, the following:

- (1) The person of the accused. Subject to Constitutional limitations the accused shall:
  - (a) Appear in a line-up.
  - (b) Speak for identification by witnesses for an offense.
  - (c) Be finger printed.
  - (d) Pose for photographs not involving re-enactment of a scene.
  - (e) Try on articles of clothing.
  - (f) Permit the taking of specimens of material from under the Defendant's fingernails.
  - (g) Permit the taking of samples of the Defendant's blood, hair or other materials of the body which involve no unreasonable intrusion.
  - (h) Provide a sample of the defendant's handwriting.
  - (i) Submit to a reasonable physical or medical inspection of the Defendant's body.
- (2) Whenever the personal appearance of the accused is required for the foregoing purposes, reasonable notice of the time and place of such appearance shall be given by the State to the accused and the accused's counsel, who shall have a right to be present.
- (3) Subject to constitutional limitations, the State shall be informed of, and permitted to inspect and copy or photograph, any report or results, or any testimony relative thereto, of physical or mental examinations or of scientific tests, experiments or comparisons, or any other reports or statements of experts which defense counsel possesses or controls, except that those portions of reports containing statements made by the Defendant may be withheld if defense counsel does not intend to use any of the material contained in the report at a hearing or trial.
- (4) Subject to constitutional limitations, defense counsel shall inform the State of any defenses which defense counsel intends to make at a hearing or trial, and shall comply with all statutory requirements regarding the defenses, and shall furnish the State with the following material and information within defense counsel's possession and control.
  - (a) The names, last known addresses, dates of birth, and social security numbers of persons defense counsel intends to call as witnesses, or the name and employer of all law enforcement personnel and medical personnel, together with their relevant written or recorded statements, including memoranda, reporting or summarizing their oral statements, and record of prior criminal convictions known to the defense attorney.

- (b) Any papers, books, documents, photographs or tangible objects defense counsel intends to use as evidence or for impeachment at a hearing or trial.

### **1.3 All Parties.**

- (1) If, subsequent to compliance, a party discovers additional material or information which is subject to disclosure, that party's attorney shall promptly notify the other party or the other party's counsel of the existence of such additional material, and if the additional material or information is discovered during trial, the Court shall also be notified.
- (2) Any materials furnished to an attorney pursuant to this Rule shall remain in that attorney's exclusive custody and shall be used only for the purpose of litigating the case, and shall be subject to such other terms and conditions as the Court may provide.
- (3) Upon a showing of cause the Court may, at any time, order that specified disclosures be restricted or deferred, or make such other order as is appropriate, providing that all material and information to which a party is entitled must be disclosed in time to permit that party's counsel to make beneficial use thereof.
- (4) The Court may modify any of these discovery rules at any time.

**1.4 Failure to Comply.** If at any time during the course of proceedings it is brought to the attention of the Court that a party failed to comply with this Rule or an order issued pursuant thereto, the Court may order such party to permit the discovery of material and information not previously disclosed, and the Court may order a continuance, or enter such other order as it deems just under the circumstances. Willful violation by counsel of this Rule or an order issued pursuant thereto may subject counsel to appropriate sanctions.

**1.5 Discretionary Protective Order.** Either side may apply for a protective order for non-disclosure of requested discovery. The Court may deny disclosure if it finds that there is a substantial risk to any person of physical harm, intimidation, bribery, economic reprisals, or unnecessary annoyance or embarrassment resulting from such disclosure which outweighs any usefulness of the disclosure to counsel.

### **1.6 Matters Not Subject to Disclosure.**

- (1) **Work Product.** Disclosure is not required of legal research or of records, correspondence, reports or memoranda to the extent that they contain the opinions, theories, or conclusions of the State or members of its clerical staff, or of defense counsel or his/her clerical staff.

- (2) Informants. Disclosure of an informant's identity will not be required where there is a paramount interest in non-disclosure and a failure to disclose will not infringe upon the constitutional rights of the accused. Disclosure of the identity of all witnesses to testify at a hearing or trial will be required.
- (3) Any matters protected by law.

## **LR75-CR00-8**

### **MOTIONS**

**1.1 Continuance.** Upon motion of any party, the Court may grant a continuance only upon showing of good cause and only for so long as necessary, taking into account not only the request or consent of the prosecution or Defendant, but also the public interest in the prompt disposition of the case. All orders granting continuances shall indicate on which party's motion the continuance is granted. Unless otherwise ordered, all delay that is the result of the granting of the Defendant's motion for continuance shall be chargeable to the Defendant.

**1.2 Other Motions.** Any application to the Court for an order shall be made by a written motion, unless made during the trial or hearing, when the Court permits it to be made orally.

- (1) Unless otherwise provided by law or rule, only the original copy of a motion need be filed. The original shall state the grounds upon which the motion is made and set forth the relief or order sought. It may be supported by an affidavit. It shall be accompanied by a Chronological Case Summary.
- (2) All motions shall be signed by an attorney of record, or the Defendant personally, and shall clearly identify the attorney's printed name, their Indiana Attorney Registration Number, and the name, address and telephone number of the firm with which the attorney filing same is associated. A rubber stamp or facsimile signature on the original shall not be acceptable.

## **LR75-CR00-9**

### **PRE-TRIAL CONFERENCE**

At any time after the filing of the indictment or information, the Court upon motion of any party or upon its own motion, may order one or more pre-trial conferences to consider such matters as will promote a fair and expeditious trial. The Court may prepare and file a pre-trial conference order which documents the status of the case and future hearing, trial, or deadline dates. Admissions made by the Defendant or his

attorney at the conference may be used against the Defendant unless the admissions are reduced to writing and signed by the Defendant and his attorney.

The representative of the Prosecutor's Office having the authority to negotiate disposition of the cause and represent the State at trial of the cause shall appear at the pre-trial conference. The defense attorney and Defendant shall appear for the pre-trial conference. Discovery shall be completed by the time of pre-trial.

## **LR75-CR00-10**

### **PLEA AGREEMENT DEADLINE DATE**

In all criminal prosecutions scheduled for trial by jury, the plea agreement deadline date shall be set by the Court and shall be not less than ten (10) days before trial. The Court shall not accept any plea agreements filed after this date. Plea agreements must be in written form and signed by the defendant and counsel and the Prosecuting Attorney or his/her deputy. In the event the parties have no plea agreement, the Court may hold a Final Pre-Trial Conference with counsel and the Defendant and Prosecuting Attorney, in order to narrow the issues, to discuss stipulations, motions in limine, jury instructions, and to otherwise streamline the trial.

## **LR75-CR00-11**

### **TRIAL**

The Court shall control the trial calendar. The Prosecuting Attorney and defense attorney may advise the Court of facts relevant in determining the priority of cases on the trial calendar.

**1.1 Jury Trial Procedure.** The following procedural rules apply to jury trials held in the Starke Circuit Court:

- (1) Arrival. Parties and Counsel shall arrive to Court at 8:30 A.M. local time.
- (2) Court Hours. During a jury trial, Court will last from approximately 9:00 A.M. to 5:00 P.M.
- (3) Exhibits. If a party has more than ten (10) exhibits, then the exhibits shall be pre-marked by the Court Reporter before the first day the jury trial is to begin. If a party has less than ten (10) exhibits, then the party shall arrive at Court by 8:00 A.M. in order to get them pre-marked before the trial starts.

- (4) Jury Instructions. If a party has not tendered its jury instructions, the party shall bring its preliminary and final instructions on the first day of trial. Additionally, each party must provide the Court Reporter with a disc containing all tendered instructions. The disc must be formatted for Microsoft Word, Times New Roman, and the font should be 12 point.

Indiana Pattern Jury Instructions shall be used where applicable.

- (5) Jury Selection. The Court will ask a few preliminary questions of the entire jury panel regarding qualifications. Then the attorneys will conduct the rest of the voir dire of those prospective jurors seated within the jury box. If a juror is not excused by either side after one round, then the juror is on the jury. A strike of a juror by each attorney shall count as a strike for each.

#### **LR75-CR00-12**

#### **FAILURE TO APPEAR**

If a defendant fails to appear before the Court when summoned or otherwise ordered by the Court to appear, the Court may summarily issue a warrant for the defendant's immediate arrest, to be held without bond until the defendant's appearance before the Court.

#### **LR75-CR00-13**

#### **WITHDRAWAL OF APPEARANCE**

Permission of the Court is required to withdraw the appearance of counsel for a defendant. Counsel desiring to withdraw appearance in any criminal action at any stage of the proceedings shall file a motion requesting leave to do so. Such motion shall fix a time (to be procured from the Judge's staff) when such motion shall be heard. Moving counsel shall also file with the Court satisfactory evidence of at least ten (10) days written notice of such hearing to the attorney's client. Further, the notice to the client shall also contain notice of the next scheduled calendar setting in the cause. A withdrawal of appearance, when accompanied by the appearance of other counsel, shall constitute a waiver of this requirement.

## **LR75-CR00-14**

### **MOTION TO SEQUESTER**

Any motion to sequester a jury shall be filed no later than forty-five (45) days preceding the date fixed for Jury Trial, except for good cause shown.

## **LR75-CR00-15**

### **STIPULATIONS**

All stipulations of facts and/or issues must be in writing, signed by all parties or their counsel, signed by the defendant personally, and approved by the Court.

## **LR75-CR00-16**

### **JURY RULES**

Pursuant to the authority of this Court under Rule 81 of the Indiana Rules of Trial Procedure to make rules governing its procedures and as provided by the Indiana Jury Rules the following local jury rules are adopted by this Court to apply to all petit jury matters in this Court:

**1.1 Scope.** The Court adopts the Indiana Jury Rules as enacted by the Indiana Supreme Court as the method for the assembly, selection, and management of petit juries in the Starke Circuit Court.

**1.2 Jury Administrator.** The Bailiff of this Court shall act as Jury Administrator.

**1.3 Two-Tier System.** The two-tier notice and summons procedure for summoning juries shall be used. The jury qualification form and notice will be the first tier. Summons sent at least one (1) week before service shall be the second tier.

**1.4 Jury Pool.** The annual jury pool shall be selected from the Starke County voter registration list supplemented with names from the Starke County Bureau of Motor Vehicle driver's license list.

**1.5 Qualification Questionnaire.** The Jury Administrator shall include a juror qualification questionnaire with the summons.



**TRIAL DE NOVO FOLLOWING JUDGMENT FROM KNOX CITY COURT**

**1.1 Requesting Trial De Novo.** The proceedings for the Clerk of the Starke Circuit Court, Knox City Court and all parties requesting a trial de novo from the Knox City Court in regard to trial de novo requests following infraction or ordinance violations judgment, or following a misdemeanor conviction shall be governed by the appropriate statutes, Supreme Court Rules, including the Rules of Trial De Novo, and by these Local Rules.

**1.2 Notification of Request for Trial De Novo.** The Clerk of the Starke Circuit Court upon receiving a request for trial de novo following infraction or ordinance violations judgment, or misdemeanor trial or plea of guilty shall immediately notify the Judge of the Starke Circuit Court.

**1.3 Compliance With Applicable Supreme Court Rules.** The Clerk of the Starke Circuit Court shall not accept or file a Request for Trial De Novo without there being compliance with applicable Supreme Court Rules for Trial De Novo. If the Clerk has any questions concerning whether there is compliance with trial de novo requests, he or she shall promptly bring those questions to the attention of the Judge of the Starke Circuit Court.

**1.4 Bond Schedule.** The following bond schedule shall apply to all requests for trial de novo of a misdemeanor trial or plea of guilty whenever a stay of the Knox City Court judgment is sought:

- (1) Whenever requesting a stay, the Defendant shall supply the following information: (A suggested form for Request for Trial De Novo is attached in the Appendix).
  - (a) Full name, address (both mailing and home), date of birth, and telephone number.
  - (b) The Knox City Court case number or numbers.
  - (c) If available, a copy of the Knox City Court judgment and sentencing order.
  - (d) A statement or list of each misdemeanor conviction and the date of the offense.
  - (e) Whether a no contact order was entered as part of the sentencing order or the original bond.
  - (f) Whether there was an order restricting or suspending the Defendant's driver's license.

(2) A misdemeanor bond schedule is established as follows:

(a) Bond shall be set as follows depending on the class of offense:

	Starke Co. Resident	Out of County Resident
A Misdemeanor	\$500 cash or \$2,000 surety	\$2,500 surety only
B Misdemeanor	\$300 cash or \$1,500 surety	\$2,000 surety only
C Misdemeanor	\$200 cash or \$1,000 surety	\$1,500 surety only

The bond shall be set at the highest level of offense only. Do not add bonds together because of multiple charges.

The Court may depart from this bond schedule at any time.

(b) Cash bonds shall be accepted and receipted only in the name of the Defendant and no other person.

(c) If a charge from which the Defendant is seeking a trial de novo is any of the following:

Battery	I.C. 35-42-2-1
Stalking	I.C. 35-45-10-5
Intimidation	I.C. 35-45-2-1
Invasion of Privacy	I.C. 35-46-1-15.1

the bond as above set forth shall also be conditional upon the issuance of a No Contact Order with the victim or victims of the offense. Before any stay is effective the defendant shall fully complete a copy of the No Contact Order and sign the Statement of Defendant. A copy of the No Contact Order shall be given to the defendant by the Clerk of the Starke Circuit Court or the Starke County Sheriff as the case may be. A copy of the No Contact Order shall be placed with the bond and the original promptly returned to the Court. The Clerk of the Starke Circuit Court shall promptly send copies of the No Contact Order to the appropriate protective order depositories.

- (3) The filing of the bond pursuant to this bond schedule shall operate as a stay of the judgment of the Knox City Court and the Defendant, if incarcerated as a result of that judgment, shall be released from that sentencing order pursuant to these rules.
- (4) In lieu of the above bond schedule, any Defendant may timely apply directly to the Judge of the Starke Circuit Court to set an appropriate bond for trial de novo in the Defendant's case. The Court shall promptly rule on such direct request for a bond. In such case, no stay is effective until the bond is approved by the Court.

## SECTION IV: ADMINISTRATIVE RULES

### LR75-AR15-1

#### COURT REPORTERS

This Rule was adopted on May 29, 1998 pursuant to the inherent powers of this Court and in order to comply with the provisions of Administrative Rule 15 enacted by the Indiana Supreme Court on November 25, 1997. This Rule governs court reporter services. The Starke Circuit Court is the only Court of record in Starke County, Indiana.

##### 1.1 Definitions:

1. **Court Reporter.** A court reporter is a person who is specifically designated by the Starke Circuit Court to perform the official court reporting services for the Court including preparing a transcript of the record.
2. **Equipment.** All physical items owned by the Court or other governmental entity and used by a court reporter in performing court reporting services. Equipment shall include, but not be limited to, telephones, computer hardware, software programs, disks, tapes and any other device used for recording and storing, and transcribing electronic data.
3. **Work Space.** That portion of the Court's facilities dedicated to each court reporter, including but not limited to, actual space in the courtroom and any designated office space.
4. **Page.** The page unit of transcript which results when a recording is transcribed in the form required by Indiana Rule of Appellate Procedure 7.2.
5. **Recording.** The electronic, mechanical, stenographic or other recording made as required by Indiana Rule of Trial Procedure 74.
6. **Regular Hours Worked.** Those hours which the Court is regularly scheduled to work during any given work week.
7. **Gap Hours Worked.** Those hours worked that are in excess of the regular hours worked but not in excess of forty, (40), hours per work week.
8. **Overtime Hours Worked.** Those hours worked in excess of forty, (40), hours per work week.

9. **Work Week.** A seven, (7), consecutive day week that consistently begins and ends on the same days throughout the year; ie. Sunday through Saturday, Wednesday through Tuesday, Friday through Thursday.
10. **Court.** The Starke Circuit Court.
11. **County Indigent Transcript.** A transcript that is paid for from county funds and is for the use on behalf of a litigant who has been declared indigent by the Court.
12. **State Indigent Transcript.** A transcript that is paid for from state funds and is for the use on behalf of a litigant who has been declared indigent by the Court.
13. **Private Transcript.** A transcript, including but not limited to a deposition transcript, that is paid for by a private party.

**1.2 Salaries.** Court reporters shall be paid an annual salary for time spent working under the control, direction, and direct supervision of their supervising court during any regular work hours, gap hours or overtime hours. The supervising court shall enter into a written agreement with the court reporters which outlines the manner in which the court reporter is to be compensated for gap and overtime hours; i.e. monetary compensation or compensatory time off regular work hours.

### **1.3 Per Page Fees.**

1. **County Indigent Transcripts.** The maximum per page fee a court reporter may charge for the preparation of a county indigent transcript shall be \$3.25 per page.
2. **State Indigent Transcript.** The maximum fee a court reporter may charge for the preparation of a state indigent transcript shall be \$3.25 per page.
3. **Private Transcript.** The maximum fee a court reporter may charge for the preparation of a private transcript shall be \$3.25 per page.

**1.4 Reporting Fees Collected.** Each court reporter shall report, at least on an annual basis, all transcript fees received for the preparation of county indigent, state indigent, or private transcripts to the Indiana Supreme Court Division of State Court Administration. The reporting shall be made on forms prescribed by the Division of State Court Administration.

**1.5 Private Practice.** If a court reporter elects to engage in private practice through the recording of a deposition and/or preparing of a deposition transcript, and the court reporter desires to utilize the court's equipment, work space, and supplies, and the court agrees to the use of the court equipment for such purpose, the court and the court reporter shall enter into a written agreement which must, at a minimum, designate the following:

1. The reasonable market rate for the use of equipment, work space, and supplies.
2. The method by which records are to be kept for the use of equipment, work space, and supplies; and
3. The method by which the court reporter is to reimburse the court for the use of the equipment, work space and supplies.

**1.6 Private Practice Work Time.** If a court reporter elects to engage in private practice through the recording of a deposition and/or preparing of a deposition transcript, all such private practice work shall be concluded outside of regular working hours, or if prepared during regular work hours shall be governed by the written agreement made with the supervising court.